

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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LONDON L. WASHINGTON, :  
 :  
 : ORDER  
 Plaintiff, 22 Civ. 1440 (PAE) (GWG)  
 :  
 -v.- :  
 :  
 C.O. JOHNSON et al., :  
 :  
 Defendant. :  
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**GABRIEL W. GORENSTEIN, United States Magistrate Judge**

On August 2, 2022, this Court issued a Report and Recommendation concluding that the above-captioned case should be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b) on account of pro se plaintiff Landon Washington's failure to provide a means by which he can be reached, which resulted in numerous returned mailings and Washington's failure to timely respond to defendants' pending motion to dismiss. See Docket # 24. Washington has since filed a letter providing a new mailing address and stating that he "would like to move forward in this matter." Docket # 25. Accordingly, the Report & Recommendation (Docket # 24) is hereby vacated.

Defendants are directed to mail another copy of their motion to dismiss and to file a certificate of service on or before August 19, 2022. Washington is directed to file a response to defendants' motion to dismiss on or before September 19, 2022. Defendants may file a reply by October 3, 2022.

Additionally, Washington has made an application for the Court to request counsel. See Docket # 25. Applying the factors set forth in Cooper v. A. Sargenti Co., 877 F.2d 170 (2d Cir. 1989), the Court denies the request on the ground that the application together with the other papers filed in this action do not at this time demonstrate that plaintiff's claim is likely to be of sufficient substance to warrant seeking volunteer counsel. In addition, the case is not of such a character that plaintiff will be unable to address relevant facts or deal with other issues that may be expected to be raised. The Court will seek the appointment of counsel without further request by plaintiff if future review of this matter demonstrates that the appointment of counsel is warranted.

Finally, in accordance with Washington's request in Docket # 25, the Clerk is directed to change Washington's mailing address on the docket to the following:

Landon L. Washington  
# 394 220 1884  
09-09 Hazen Street  
East Elmhurst, NY 11370

SO ORDERED.

Dated: August 15, 2022  
New York, New York

  
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GABRIEL W. GORENSTEIN  
United States Magistrate Judge